

REMARKS

Status of Claims

Claims 10-27 are pending, of which claims 10 and 21 are independent.

Claims 10 and 21 have been amended to correct informalities in the claim language and to more clearly define the present subject matter. The amendment is supported by, for example, at page 14, lines 8-15, page 29, lines 16-21 and FIG. 3B of the present disclosure. Care has been taken to avoid introducing new matter.

Rejection under 35 U.S.C. § 103

Claims 10, 11, 14, 16, 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA). Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Tanji (US 2001/0013269). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Millikan et al. (US 2003/0210617). Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Fontijn (US 2006/0013088). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Fontijn, and further in view of Suzuki (US 2002/0012297). Claims 21, 22, 25, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, in view of Hatanaka et al. (JP 2000-222825). Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, in view of Hatanaka, and further in view of Tanji. Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, in view of Hatanaka, and further in view of Millikan. These rejections are traversed for at least the following reasons.

Applicants respectfully submit that, at a minimum, none of the cited references disclose or suggest that “*data space available for each piece of management information stored in the*

*management information area of the storage unit is variable,” as recited by amended claims 10 and 21. In rejecting independent claims 10 and 21, the Examiner asserts that AAPA discloses that “data length of each piece of management information ... is variable.” Specifically, the Examiner asserts that in FIG. 11 of the present disclosure, a file name has a variable data length. However, Applicants respectfully submit that, at a minimum, AAPA fails to disclose that “***data space available for each piece of management information stored in the management information area of the storage unit is variable,***” as recited by amended claims 10 and 21. AAPA fails to disclose the configuration that the data space available for each piece of management information provided in the management information area of the recording medium is variable and that the capacity of the management information in the storage unit *per se* is variable. AAPA does not show any configuration in which the data space available for each piece of management information is variable.*

This is further evidenced by FIG. 10 and the corresponding description of the present specification. In the background art section of the present specification, a conventional technique of data read and data write to or from an optical disc is described. When initiating a read step from the optical disc 1, the playback device reserves an audio data area in the memory 10 (step S701). The playback device then acquires management information from the optical disc 1 (step S702), and stores the acquired management information to the memory 10 (step S703). From this description, it is clear that the management information area according to AAPA has a fixed capacity, i.e. a fixed data space.

Applicants also submit that it is clear that the remaining cited references do not cure the deficiency of AAPA, and it would not have been obvious to add this feature to any combination of the cited references.

Accordingly, claims 10 and 21 and all claims dependent thereon are patentable over the cited references. Thus, it is requested that the Examiner withdraw the rejections of claims 10-27 under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

**Please recognize our Customer No. 53080
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:TS:MaM
Facsimile: 202.756.8087
Date: November 16, 2009